

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARLTON BLACKMAN	:	CIVIL ACTION
	:	
v.	:	
	:	
JO ANNE B. BARNHART,	:	NO. 06-255
Commissioner of	:	
Social Security Administration	:	

**ORDER**

AND NOW, this day 27<sup>th</sup> day of November, 2006, upon consideration of plaintiff's motion for summary judgment, defendant's motion for summary judgment, and plaintiff's reply brief, and after careful review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, to which no objections were filed, it is hereby

**ORDERED**

1. The Report and Recommendation is APPROVED and ADOPTED;
2. Plaintiff's motion for summary judgment is GRANTED;
3. Defendant's motion for summary judgment is DENIED;
4. This case is REMANDED in accordance with the fourth sentence of 42 U.S.C. § 405(g) to the Commissioner of the Social Security Administration for further proceedings consistent with the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter; and
5. Judgment is entered in favor of plaintiff and against defendant.

BY THE COURT:

/s/ Norma L. Shapiro  
NORMA L. SHAPIRO, J.